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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,730

Applicant(s)

AMERASINGHE ET AL.

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-24 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-24 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a Final Office Action in response to amendments filed March 16, 2006. Claims 1-8, 14-24 and 30-33 are pending with claim 33 being newly added. Claims 9-13 and 25-29 are cancelled. Claims 1, 14, 17, and 30 are amended.

Response to Amendment

2. The Examiner notes the statement of filing a terminal disclaimer with respect to the double patenting rejection.

Response to Arguments

3. The applicant amended the claim language to include opportunity data or revenue data. The Examiner asserts that forecast data, especially with respect to revenue as indicated by Sultan (column 8, lines 40-43) would constitute opportunity or revenue data and therefore the amended language does not change the 35 USC 102 rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-5, 8-14, 17-21, 24-30 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Sultan (US 6,804,657).

As per claims 1, 14, 17, 30 and 33, Sultan teaches identifying hierarchy data defining the hierarchy structure of the organization (column 2, line 36: "hierarchical structure"), including data identifying a hierarchical position of each member of the organization (column 4, lines 24-30 and Figure 1, where it shows a hierarchical representation of the organization of a sales force); identifying opportunity data or revenue data corresponding to members of the organization (column 2, lines 31-33: "storing the forecast sales information in the database and tagging the stored forecast sales information to that member of the sales force" and column 8, lines 40-43, where the forecast is based on revenue. Because the information associated with each sales member is based on revenue, this is deemed equivalent to identifying revenue data for each member as it performs an identical function in substantially the same manner with substantially the same results.); the opportunity data including at least an opportunity name, opportunity value and opportunity probability (column 8, lines 40-43 where a finance person deals with revenue forecasts and according to the specification (p. 10, line 10-11), revenues are created through opportunities, therefore the revenue forecast would constitute an opportunity value); calculating forecast data from the opportunity data and revenue data corresponding to members of the organization (column 2, lines 16-37, where the forecast information is generated for each member of the hierarchy based upon the sales pipeline information each member inputs and the forecast is based on revenue as indicated in column 8, lines 40-43.); defining visibility rules that

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specify the forecast data that are visible to each member of the organization according to the hierarchy data (column 5, lines 13-19: "In addition to being assigned a place within the hierarchical sales structure, each member of the sales force is assigned a permission level. According to the present invention, the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person."); and enabling a forecast to be generated for members of the organization, wherein each forecast is generated based on forecast data of corresponding members according to the visibility rules (column 2, lines 58-67 and column 3, lines 1-2, where the forecast is generated by aggregating the forecast information of those members of the sales force having a lower permission level than the member that requested the forecast. This indicates the permission level of the person dictates how much of the forecast they are allowed to view.); and enabling the members to modify the forecast data based on the revenue data or opportunity data of corresponding members (column 3, lines 56-64, where the "application may be adapted to allow selected members of the sale force to selectively modify pipeline sales information included in the sale information to create forecast sales information over a period of time." And column 4, lines 62-63, where the forecast information is selectively viewable and/or modifiable by others in the organization, where the forecast information is based on the sales pipeline information entered by each member and the forecast is based on revenue as indicated in column 8, lines 40-43).

As per claim 2 and 18, Sultan teaches defining visibility rules that specify the forecast data that is visible to each management level (column 7, lines 44-52: "The entered pipeline and sales information, however, should not be universally accessible by all members of the sales organization. For example, the member of the sales force occupying the Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those Account representatives (e.g., B1121-B1125, among others) that report to him." This teaches that different levels of the hierarchy have different permission levels and can view different amounts of information.); and enabling a forecast to be generated for any management level where the forecast generated in based on forecast data that is visible to the management level for which the forecast corresponds as specified by the visibility rules (column 7, lines 57-59: "to restrict access to the pipeline and/or forecast information, the assigned position levels are used." And column 7, lines 66-67 and column 8, lines1-2: "a member of the sales force may only access pipeline and/or forecast information tagged to hierarchically lower members within a same branch of the hierarchical tree structure." This means a member can view information that is at or below his permission level as specified by the visibility rules.).

As per claim 3 and 19, Sultan teaches a forecast generated for a manager where the visibility rules include a maximum hierarchy depth search value (n) defining a search scope such that the forecast is generated from the manager's own forecast data and from forecast member corresponding to members of the organization who are

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subordinates and equivalent managers ($\leq n$). (Column 7, lines 47-64: "Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those Account representatives (e.g., B1121-B1125, among others) that report to him. However, the Sales Manager B11 may have no reason to access either pipeline or forecast information from Sales Managers B12, B13 (even though B12 and B13 belong to the same Division as B11) or that of any other Sales Manager or any hierarchically higher Regional manager, Division Head or CEO. To restrict access to the pipeline and/or forecast information, the assigned permission levels are used. In general, the permission levels for access pipeline and/or forecast information matches a sales force member's hierarchical position within the sales organization, unless such sales force member belongs to an "overlay organization" that participates in the opportunity and has permission to add information to it, but does not "own" the corresponding forecast." where the maximum depth as indicated by this rule would equal the total number of levels below the member with respect to hierarchy.)

As per claim 4 and 20, Sultan teaches creating a forecast series comprising a set of parameters that define attributes of forecasts; and using the set of parameters in the forecast series to generate the forecast (column 11, lines 60-67 and column 12, lines 1-11: "through a computer (318) connected to the network (312), request a forecast by entering the parameters for the desired forecast in a first screen, such as shown at (320). In the case illustrated in FIG. 3, a Summary by Product forecast is requested. In response to parameters entered by CEO Black, the database 310 is accessed and a

forecast is generated corresponding to the parameters entered by aggregating the stored forecast information” Sultan teaches the system being adaptable to generate forecast reports with respect to various parameters, this is equivalent to a forecast series with parameters since it performs an identical function in substantially the same manner with substantially the same results.).

As per claim 5 and 21, Sultan teaches the set of parameters in the forecast series include parameters that define the visibility rules for forecasts that are based on the forecast series (column 11, lines 9-67 and column 12, lines 1-11, where a regional manager may view a forecast by rolling up the forecast information of all those directly or indirectly reporting to him and a Division Head may generate a forecast of those reporting to him and the CEO can do the same by entering parameters. The database 310 is accessed and a forecast is generated corresponding to the parameters entered by aggregating the stored forecast information” Sultan teaches the system being adaptable to generate forecast reports with respect to various parameters, this is equivalent to a forecast series with parameters since it performs an identical function in substantially the same manner with substantially the same results.).

As per claim 8 and 24, Sultan teaches presenting the forecast data in graphical format that enables comparing to related forecasts over time that are specified to be visible to that member (column 11, lines 9-12: “Regional Manager B3 may view a pipeline and/or a forecast by rolling up (summing) the pipeline and/or forecast information of all those directly or indirectly reporting to him.” Where the pipeline

contains multiple forecasts that are viewed simultaneously. The information is graphical as depicted in Figure 3: Forecast Summary by Product).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-7, 15-16, 22-23 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sultan (US 6,804,657).

As per claim 6 and 22, Sultan teaches enabling a member of the organization to submit a forecast to a superior (see claim 1: "accepting original pipeline sales information remotely entered by members of the sales force over a computer network" here only those with a higher permission level can view and or modify the information which is equivalent to submitting it to a superior as it performs an identical function in substantially the same manner with substantially the same results.); and preventing the member from modifying the forecast after it has been submitted (column 5, lines 15-24: "the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person." where "those with higher ranking positions would enjoy higher permission level than lower-level sales positions in the hierarchy". Official notice is taken that it is old and well known that once a document is submitted to a superior, the information cannot be modified unless the superior authorizes it. Therefore

it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a rule within the permission levels that allows the superior change control over information from subordinates in order to means for protecting the information.).

As per claim 7 and 23, Sultan teaches enabling the superior that received the forecast to unsubmit the forecast such that the member that submitted it can modify the forecast (column 7, lines 15-22: "Therefore, persons within the sales force occupying positions within the hierarchy that are higher than that of the sales person having entered the pipeline information may modify pipeline sales information included in the original pipeline sales information by increasing or decreasing it, at their discretion. This modified pipeline sales information then, according to the present invention, becomes forecast information." Indicates the superior has the ability to change the data at their discretion which includes allowing the submitter to change it instead of the superior. Official notice is taken that it is old and well known in document management to send information back for a revision or update. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a revision mechanism to provide a means for updating information or correcting errors.).

As per claim 15 and 31, Sultan teaches the current forecast participant is a manager whose forecast is determined, in part, on forecasts that are submitted by one or more selected members of the organization who are subordinate to the manager comprising (column 2, lines 61-column 3, line 2: "Each member of the sales force of the company may be assigned a permission level, the assigned permission level determining which stored sales forecast information are aggregated in the real time

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sales forecast. A real time sales forecast may be generated by aggregating only stored sales forecast information and/or stored pipeline sales information of those members of the sales force having a lower permission level than a member of the sales force having requested the real time sales forecast."); generating a forecast for the manager based on a combination of forecasts submitted by one or more selected members and any forecast that are automatically generated (column 2, lines 34-37: "selectively aggregating the stored sales forecast information according to a hierarchy indicated by the hierarchical structure to generate, upon request, a real time sales forecast over a selected time period."); and automatically generating a forecast for any member among one or more selected members who has yet to submit a forecast. Official notice is taken that it is old and well known in the art to incorporate a push system or automatic option with respect to generating a forecast. One such instance is noted in Martin (US 2002/0107720). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the forecast system of Sultan with an automated forecasting option to provide a means for completing the forecast in an efficient manner so that it is not waiting on additional input from those that have not generated their respective forecasts.

As per claim 16 and 32, Sultan teaches the manager occupies at least a second level of management in the organization's hierarchy and automatically calculating forecasts for one or more selected members of the organization who are subordinate to the manager and have not submitted their forecast is applied in a recursive manner from lower levels to higher levels in the organization's hierarchy (column 3, lines 16-41:

“comprising the steps of defining a hierarchical structure representative of an organization of an entire sales force of the multi-national company; providing a remotely accessible Internet application, the Internet application being configured to allow each member of the sales force to remotely input pipeline and/or forecast sales information via an Internet browser and to store the at least one of inputted sales and forecast information in a single database; selectively allowing the pipeline and/or sales information to be rolled up the hierarchical structure upon request and summed to generate the aggregate sales forecast over a selected time period. The rolling up step may be carried out to a highest level in the hierarchical structure and the aggregate sales forecast may be a global sales forecast for the multi-national company. The selectively allowing step may include steps of assigning a permission level to each salesperson within the sales force according to a position of each member of the sales force within the hierarchical structure and the assigned permission level may determine what pipeline and/or sales forecast information may be included in the aggregated sales forecast. At least the Chief Operating Officer (CEO) of the multi-national company may be assigned a highest permission level. The selectively allowing step may further include steps of assigning a special permission level to a person, the special permission level being uncorrelated to a position of the person within the hierarchical structure.”).

Official notice is taken that it is old and well known in the art to incorporate a push system or automatic option with respect to generating a forecast. One such instance is noted in Martin (US 2002/0107720). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the forecast system of

Sultan with an automated forecasting option to provide a means for completing the forecast in an efficient manner so that it is not waiting on additional input from those that have not generated their respective forecasts.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

LMK
April 12, 2006


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